

REMARKS

Claims 1–33 were pending in this application before the amendment as set forth above. All claims were finally rejected in the office action mailed May 23, 2006. By this Amendment, claims 1, 2, 5, 6, 8, 10, 11, 13–16 are amended, and new dependent claims 34–37 are introduced.

The support for amendments can be found in the application as originally filed. In particular, the notion of “client/server flow” or “C/S flow” appears on page 8, line 14, and more specifically on page 11, lines 4 and 5: “Therefore, a C/S flow can be determined by the packets exchanged between the two hosts dealing with the same service.”

The notion of “determining” a C/S flow based on predetermined characteristics appears on page 10, lines 3–7.

Applicant appreciates the examiner’s reconsideration of the rejection.

Claim Rejections – 35 U.S.C. §102

In the Office Action dated May 23, 2006, claims 1–22, 30 and 32–33 were rejected under 35 U.S.C. §102(b) as being anticipated by *Shipley* (U.S. Pat. No. 6,119,236).

During the interview, the examiner indicated that the term “flow,” as it appeared in the claims, was overly broad. The claim amendments presented herein as regards client/server (C/S) flows are believed to address the rejection on this ground, and are consistent with the discussion during the interview.

There was discussion during the interview on July 27, 2006 regarding the notion of the “concern index” as recited in the claims. The concern index aspect of the claims has been present in the claims from the beginning; the claims have been amended (e.g., see claim 1) mainly to ensure that the term “concern index” is used consistently. Support and explanation for the notion and concept of the concern index, concern index value, predetermined concern index characteristic, and accumulated concern index is found in

the specification on various pages and various figures, including but not limited to the following exemplary passages:

- FIG. 1 – host data structure 166.
- Page 10, lines 25–32:

In accordance with an aspect of the invention, a variable denominated as “concern index” (CI) is provided in association with each host identified by the intrusion detection engine 155. This concern index CI variable is used to accumulate values associated with various abnormal events occurring on the network, e.g. when a particular flow is deemed unusual or when particular types of anomalous events occur. At such time as the cumulated value of the CI variable for a particular host exceeds a predetermined threshold value, that host may be considered a sufficient threat to warrant generating an alert or alarm and action taken.

- Page 25, line 18 – description of host data structure 166.
- FIG. 6 – flow-based CI (concern index) values).
- FIG. 7 – “CI Event Values” (i.e. “concern index” event values).
- FIG. 9B – step 945.

The foregoing comment about concern index is submitted mainly to assist the examiner in appreciating that the concern index aspect of the claims provides additional points of novelty for the claims, as it is believed that that the claims, as amended, are novel and nonobvious.

In view of the amendments and the discussion during the interview, it is believed that the rejection under 35 U.S.C. 102 has been fully addressed and that all claims are novel in view of *Shipley* and the other references of record. It is therefore not believed to be necessary to address each and every specific rejection and the basis therefore, as the amendments are believed to address all concerns as to patentability on these grounds.

Claim Rejections – 35 U.S.C. §103

In the Office Action dated May 23, 2006, claims 23–29 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Shipley* and further in view of

various assertions made by the examiner.

In view of the amendments and the discussion during the interview, it is believed that the obviousness rejection has been fully addressed and that all claims are now novel and nonobvious over *Shipley* and the other references of record. It is therefore not believed to be necessary to address each and every specific rejection and the basis therefore, as the amendments are believed to address all concerns as to patentability on these grounds.

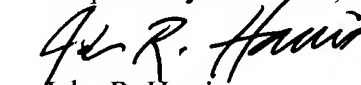
New claims 34–37

New dependent claims 34–37 are presented for entry. These claims are fully supported in the specification as filed, see FIGS. 6 and 7. Applicant asserts that no new matter is added.

CONCLUSION

Applicants respectfully submit that the foregoing, in conjunction with the contemporaneously filed RCE, is submitted as a full and complete response to the final rejection office action mailed May 23, 2006, and is believed to have placed all claims in condition for allowance. Accordingly, it is respectfully submitted that this application be allowed and that a Notice of Allowance be issued without further delay. If the Examiner believes that a further telephone conference with the Applicant's attorneys would be advantageous to the disposition of this case, then the Examiner is encouraged to telephone the undersigned at 404 504 7720.

Respectfully submitted,


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